IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.256 OF 1999

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. N.V. Bandiwadekar, for the Petitioners
Mrs.S.S. Bhende, AGP for Respondent Nos. 1 and 2.

CORAM : F.I. REBELLO & S.P. KUKDAY,JJ.
DATED : 24th February,2005
P.C.

. We find that on similar issue Writ Petition No.5967 of 1991 was disposed of by order of this Court dated 10th December, 2001. That judgment was followed by another Division Bench which disposed of Writ Petition No.5969 of 1991 by order dated July 8, 2002. Considering the above the petition can be disposed of in terms of paragraph 5 of the order passed in Writ Petition No.5967 of 1991 as under:-

(i) The concerned District Magistrates, Police Commissioners and Police Superintendents shall not prosecute such of the petitioners who practice medicine in accordance with Section 37 of the MMP Act, 1961. In other words, no action shall be taken against such of the petitioners who

fulfill the conditions as laid down in section 37 of the MMP Act, 1961 and they shall be permitted to practice in rural areas upon fulfillment of the conditions in section 37 of the MMP Act, 1961.

(ii) However, if any of the petitioners do not fulfill the requisite conditions under section 37 of the MMP Act, 1961 and pursue the practice in medicine in breach thereof, the aforesaid direction shall not come in the way of the concerned District Magistrates, Police Commissioners and Police Superintendents in taking appropriate action against such petitioners. Similarly, if any of the petitioners act otherwise in contravention of law by pursuing their medical practice, it would be open to the concerned authorities to take appropriate action against the petitioners.

(iii) Rule is disposed of in the aforesaid terms with no orders as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)